

ESTTA Tracking number: **ESTTA413421**Filing date: **06/08/2011**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

**Opposer Information**

Name	Bach Flower Remedies Limited
Granted to Date of previous extension	06/08/2011
Address	Nelsons House, 83 ParksideWimbledon London, SW19 5LP UNITED KINGDOM
Attorney information	Donna J. Bunton Nixon & Vanderhye P.C. 901 North Glebe Road, 11th Floor Arlington, VA 22203 UNITED STATES nixonptomail@nixonvan.com, djb@nixonvan.com

**Applicant Information**

Application No	85111156	Publication date	02/08/2011
Opposition Filing Date	06/08/2011	Opposition Period Ends	06/08/2011
Applicant	Richards Distributing, Inc. 640 Atlantis Road Melbourne, FL 32904 UNITED STATES		

**Goods/Services Affected by Opposition**


Class 003. All goods and services in the class are opposed, namely: sun care lotions, balms, gels, cremes, liquids and sprays
Class 035. All goods and services in the class are opposed, namely: retail stores featuring sun care lotions, balms, gels, cremes, liquids and sprays

**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

**Marks Cited by Opposer as Basis for Opposition**

U.S. Application No.	77485289	Application Date	05/28/2008
Registration Date	NONE	Foreign Priority Date	11/29/2007

Word Mark	RESCUE
Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 003. First use: SKIN CREAMS AND SKIN MOISTURIZERS, SKIN CLEANSERS AND SKIN TONERS; LIP BALMS; COSMETIC PREPARATIONS CONTAINING FLOWER REMEDIES AND PREPARED FROM PLANTS AND FLOWERS</p> <p>Class 005. First use: HERBS AND FLOWERS FOR MEDICINAL PURPOSES; MEDICINAL DRINKS CONTAINING FLOWER REMEDIES; MEDICATED CONFECTIONERY; MEDICATED CANDY, MEDICATED GEL CAPSULES AND MEDICATED CHEWING GUM CONTAINING FLOWER REMEDIES; DIETARY SUPPLEMENTS PREPARED FROM PLANTS AND FLOWERS; DIETARY AND NUTRITIONALLY FORTIFIED FOOD PRODUCTS CONTAINING FLOWER REMEDIES FOR TREATING EMOTIONAL SHOCK, TRAUMA AND OTHER EMOTIONAL AILMENTS AND CONDITIONS; HOMEOPATHIC PHARMACEUTICAL PREPARATIONS MADE FROM FLOWER EXTRACTS FOR ALLEVIATING EMOTIONAL AND MENTAL STRESS; NUTRITIONAL DRINKS FOR ANIMALS</p> <p>Class 029. First use: PREPARATIONS FROM PLANTS AND FLOWERS AND OTHER NATURAL INGREDIENTS FOR USE IN MAKING BEVERAGES, NAMELY, FRUIT OR VEGETABLE DRINKS, TEA, COFFEE, ENERGY DRINKS, LEMONADES, GINGER BEERS, FRUIT OR VEGETABLE JUICES, FRUIT OR VEGETABLE NECTARS, SODA WATERS, MINERAL AND SPRING WATERS</p> <p>Class 030. First use: HERBAL BEVERAGES, TISANES AND HERBAL INFUSIONS; HERBAL BEVERAGES AND TEAS FOR FOOD USE; FLAVOURINGS SYRUP AND FLAVOURING ADDITIVES FOR NON-NUTRITIONAL PURPOSES FOR USE AS A FLAVOURING FOR BEVERAGES; CONFECTIONERY, NAMELY, SWEETS, GUM SWEETS, CANDY GELS, GEL CANDY FILLED WITH LIQUID CENTERS; CANDY AND CHEWING GUM; HERBAL FOOD BEVERAGE CONCENTRATE MADE FROM ESSENCES; NOT BEING IN THE NATURE OF ESSENTIAL OILS EXTRACTED FROM PLANTS AND FLOWERS</p> <p>Class 032. First use: MINERAL AND SPRING WATER; ENERGY DRINKS; HERBAL SOFT DRINKS, HERBAL FRUIT DRINKS, HERBAL DRINKING WATER, HERBAL FRUIT AND BEVERAGE JUICES; NON-ALCOHOLIC BEVERAGES, NAMELY, CARBONATED BEVERAGES, BEVERAGES CONTAINING FRUIT OR VEGETABLE JUICES, BEVERAGES WITH TEA OR COFFEE FLAVOUR, ENERGY DRINKS, SODA WATER PREPARED FROM AND INFUSED WITH PLANTS, FLOWERS AND HERBS, PREPARATIONS FOR MAKING NON-ALCOHOLIC BEVERAGES, NAMELY, FRUIT OR VEGETABLE DRINKS, ENERGY DRINKS, TEA, COFFEE, LEMONADE, GINGER BEERS, FRUIT OR</p>


	VEGETABLE JUICES, FRUIT OR VEGETABLE NECTARS, SODA WATER Class 033. First use: ALCOHOLIC DRINKS CONTAINING FLOWER REMEDIES AND PREPARED FROM EXTRACTS OF PLANTS AND FLOWERS, TONIC DRINKS		
--	--	--	--

U.S. Registration No.	1237564	Application Date	11/17/1980
Registration Date	05/10/1983	Foreign Priority Date	NONE
Word Mark	RESCUE REMEDY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 1979/09/01 First Use In Commerce: 1979/09/01 an Herbal Beverage Made from Essences (Not Being in the Nature of Essential Oils) Extracted from Flowers		

U.S. Registration No.	1822260	Application Date	03/12/1993
Registration Date	02/22/1994	Foreign Priority Date	NONE
Word Mark	RESCUE REMEDY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 1951/00/00 First Use In Commerce: 1961/00/00 homeopathic pharmaceutical preparations made from flower extracts for use in alleviating emotional and mental stress		

U.S. Registration No.	2517685	Application Date	07/07/1997
Registration Date	12/11/2001	Foreign Priority Date	NONE
Word Mark	RESCUE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2001/01/15 First Use In Commerce: 2001/01/15 homeopathic pharmaceutical preparation made from flower extracts for alleviating emotional and mental stress Class 030. First use: First Use: 2001/01/15 First Use In Commerce: 2001/01/15 herbal food beverage concentrate made from essences (not being in the nature of essential oils) extracted from plants and flowers		

U.S. Registration No.	3147761	Application Date	03/16/2005
Registration Date	09/26/2006	Foreign Priority Date	NONE
Word Mark	RESCUE CREAM		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 005. First use: First Use: 1995/08/00 First Use In Commerce: 1995/08/00 PREPARATIONS MADE FROM FLOWER EXTRACTS IN THE FORM OF CREAMS FOR USE IN TREATING EMOTIONAL AND PSYCHOLOGICAL CONDITIONS

Attachments	77485289#TMSN.jpeg ( 1 page )( bytes ) 78588767#TMSN.jpeg ( 1 page )( bytes ) 5027-97NoticeofOpposition.pdf ( 25 pages )(4747806 bytes )
-------------	--

### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Donna J. Bunton/
Name	Donna J. Bunton
Date	06/08/2011

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Trademark Application of

Atty. Ref.: DJB/5027-97

Richards Distributing, Inc.

Serial No.: 85/111,156

Filed: August 19, 2010

Mark: SUNBURN RESCUE

For: *Sun care lotions, balms, gels, crèmes, liquids and sprays in Int. Class 3 and retail stores featuring sun care lotions, balms, gels, crèmes, liquids and sprays in Int. Class 35*

Published in the *Official Gazette* of February 8, 2011

Bach Flower Remedies Limited,

Opposer,

v.

Richards Distributing, Inc.

Applicant.

Opposition No. \_\_\_\_\_

**NOTICE OF OPPOSITION**

Bach Flower Remedies Limited, a private limited company of the United Kingdom, having its principal place of business at Nelsons House, 83 Parkside, Wimbledon, London SW19 5LP, United Kingdom (hereinafter "Opposer"), believes that it will be damaged by registration of the mark shown in Application Serial No. 85/111,156, filed August 19, 2010, and hereby opposes registration of the same.

The grounds are as follows:

(1) Application Serial No. 85/111,156 seeks registration of the mark SUNBURN RESCUE for *sun care lotions, balms, gels, crèmes, liquids and sprays in Int. Class 3 and retail stores featuring sun care lotions, balms, gels, crèmes, liquids and sprays in Int. Class 35* (hereafter "Applicant's goods/services"). The application was filed August 19, 2010 and is based on Applicant's intention to use the mark in commerce pursuant to § 1(b) of the Trademark Act.

(2) Long prior to the filing date of Application Serial No. 85/111,156 on August 19, 2010, Opposer adopted and began using in commerce the marks RESCUE, RESCUE REMEDY and RESCUE CREAM for *homeopathic pharmaceutical preparations made from flower extracts, including skin cream preparation (hereafter "flower essence preparations")*. Further, on May 28, 2008, Opposer filed Application Serial No. 77/485,289 to register the mark RESCUE for a range of herbal preparations and related goods, including *skin creams and moisturizers, and skin cleansers and skin toners in Class 3 (hereafter "skin creams")*.

(3) Opposer is the owner of the trademarks RESCUE, RESCUE REMEDY and RESCUE CREAM, among others, for *flower essence preparations and skin creams*, having continuously used the mark RESCUE REMEDY in commerce since 1961, the mark RESCUE in commerce since January 15, 2001, and the mark RESCUE CREAM in commerce since 1995, and having filed Application Serial No. 77/485,289 to register the mark RESCUE on May 28, 2008.

(4) Opposer duly registered the marks RESCUE, RESCUE REMEDY and RESCUE CREAM as trademarks in the United States Patent and Trademark Office, Registration Nos. 1,237,564 (issued May 10, 1983), 1,822,260 (issued February 22,



1994), 2,517,685 (issued December 11, 2001) and 3,147,761 (issued Sept. 26, 2006). Opposer filed Application Serial No. 77/485,289 to register the mark RESCUE on May 28, 2008. Printouts from TARR, evidencing the current status and ownership of Registration Nos. 1,237,564, 1,822,260, 2,517,685 and 3,147,761 and Application Serial No. 77/485,289 are annexed hereto as collective Exhibit A.

(5) On information and belief, Applicant made no use of the mark SUNBURN RESCUE prior to the filing of its Application Serial No. 85/111,156 to register that mark.

(6) On information and belief, Applicant has made no use of the mark SUNBURN RESCUE in connection with the goods/services covered by Application Serial No. 77/485,289.

(7) Registration Nos. 1,237,564, 1,822,260, 2,517,685 and 3,147,761 are *prima facie* evidence of the validity thereof, Opposer's ownership and exclusive right to use the marks RESCUE, RESCUE REMEDY and RESCUE CREAM in commerce and are constructive notice of Opposer's ownership thereof, all as provided by §§ 7(b) and 22 of the Trademark Act of 1946. As Opposer's right to use the marks RESCUE and RESCUE REMEDY in commerce has become incontestable, Registration Nos. 1,237,564, 1,822,260 and 2,517,685 are conclusive evidence of Opposer's right to use said mark in commerce on the goods specified in the registrations, as provided by §§ 15 and 33(b) of the Trademark Act of 1946.

(8) By virtue of Opposer's long, continuous and substantial promotion and sale of goods covered by Registration Nos. 1,237,564, 1,822,260, 2,517,685 and 3,147,761 under the marks RESCUE, RESCUE REMEDY and RESCUE CREAM, its use and bona fide intention to use the mark RESCUE for the goods covered by

Application Serial No. 77/485,289, and its maintenance of high quality standards relating thereto, purchasers, consumers and users of such products, and others, have come to recognize the marks RESCUE, RESCUE REMEDY and RESCUE CREAM as indications of origin in Opposer, as a consequence of which Opposer has established valuable goodwill and exclusive rights in the marks RESCUE, RESCUE REMEDY and RESCUE CREAM.

(9) Opposer's marks RESCUE, RESCUE REMEDY and RESCUE CREAM and Applicant's mark SUNBURN RESCUE are identical or identical in part, each including the same word "RESCUE." The word "RESCUE" is the dominant portion of Applicant's mark SUNBURN RESCUE and Applicant's mark essentially incorporates Opposer's mark RESCUE in its entirety.

(10) Opposer's *flower essence preparations and skin creams* sold and intended to be sold under the marks RESCUE, RESCUE REMEDY and RESCUE CREAM and Applicant's goods/services sold or intended to be sold or offered under the mark SUNBURN RESCUE are similar and closely related products and services which are or are likely to be offered through the same or overlapping channels of trade to the same or overlapping classes of purchasers so that purchasers, prospective purchasers, users and others are likely to be confused, mistaken or deceived into the belief, contrary to fact, that Applicant's goods/services offered under the mark SUNBURN RESCUE emanate from and/or are in some way sponsored or approved by Opposer or are otherwise related to Opposer's RESCUE, RESCUE REMEDY and RESCUE CREAM *flower essence preparations and skin creams*, thereby damaging Opposer.



(11) Applicant is not lawfully entitled to the registration which it seeks for the reason, *inter alia*, that the mark SUNBURN RESCUE as used or intended for use in connection with Applicant's goods/services so resembles Opposer's previously used and registered marks RESCUE, RESCUE REMEDY and RESCUE CREAM and its earlier-filed application to register the mark RESCUE as to be likely to cause confusion, to cause mistake or to deceive within the meaning of Section 2(d) of the Federal Trademark Act, thereby damaging Opposer.

WHEREFORE, Opposer prays that the present opposition be sustained and the registration of SUNBUR RESCUE sought by Applicant be refused.

The requisite filing fee of \$600 is submitted herewith.

Bach Flower Remedies Limited

By its Attorneys

Date: \_\_\_\_\_

June 8, 2011

By: \_\_\_\_\_

Donna J. Buntor

Donna J. Buntor  
**NIXON & VANDERHYE P.C.**  
901 North Glebe Road, 11<sup>th</sup> Floor  
Arlington, Virginia 22203  
(703) 816-4003

**EXHIBIT A**

**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2011-06-08 16:22:00 ET**

**Serial Number:** 73286900 Assignment Information Trademark Document Retrieval

**Registration Number:** 1237564

**Mark (words only):** RESCUE REMEDY

**Standard Character claim:** No

**Current Status:** The registration has been renewed.

**Date of Status:** 2003-06-12

**Filing Date:** 1980-11-17

**Transformed into a National Application:** No

**Registration Date:** 1983-05-10

**Register:** Principal

**Law Office Assigned:** (NOT AVAILABLE)

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov**

**Current Location:** 40S -Scanning On Demand

**Date In Location:** 2008-04-22

---

#### LAST APPLICANT(S)/OWNER(S) OF RECORD

---

1. BACH FLOWER REMEDIES LIMITED

**Address:**

BACH FLOWER REMEDIES LIMITED  
5 ENDEAVOUR WAY  
WIMBLEDON LONDON SW 19 9UH  
United Kingdom

**Legal Entity Type:** PRIVATE LIMITED COMPANY

**State or Country Where Organized:** United Kingdom

---

#### GOODS AND/OR SERVICES

---

**International Class:** 032

**Class Status:** Active

an Herbal Beverage Made from Essences (Not Being in the Nature of Essential Oils) Extracted from Flowers

**Basis:** 1(a)

**First Use Date:** 1979-09-01

**First Use in Commerce Date:** 1979-09-01

---

#### ADDITIONAL INFORMATION

---

(NOT AVAILABLE)

---

#### MADRID PROTOCOL INFORMATION

---

(NOT AVAILABLE)

---

#### PROSECUTION HISTORY

---

**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2010-08-25 - Counter claim opp. for Proceeding No.

2008-04-22 - Case File In TICRS

2003-06-12 - First renewal 10 year

2003-06-12 - Section 8 (10-year) accepted/ Section 9 granted

2003-04-09 - Combined Section 8 (10-year)/Section 9 filed

2003-04-09 - PAPER RECEIVED

1989-07-18 - Section 8 (6-year) accepted & Section 15 acknowledged

1989-03-27 - Section 8 (6-year) and Section 15 Filed

1983-05-10 - Registered - Principal Register

1983-02-15 - Published for opposition

1983-05-10 - Registered - Principal Register

1983-01-11 - Notice of publication

1983-01-03 - Approved for Pub - Principal Register (Initial exam)

1982-01-18 - Non-final action mailed

1981-11-18 - Assigned To Examiner

1981-03-28 - Assigned To Examiner

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**  
DONNA J. BUNTON

**Correspondent**  
DONNA J. BUNTON  
NIXON & VANDERHYE P.C.  
1100 NORTH GLEBE ROAD, 8TH FLOOR  
ARLINGTON, VA 22201-4714

---



Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2011-06-08 16:22:15 ET

Serial Number: 74367508 Assignment Information Trademark Document Retrieval

Registration Number: 1822260

Mark (words only): RESCUE REMEDY

Standard Character claim: No

Current Status: The registration has been renewed.

Date of Status: 2004-04-06

Filing Date: 1993-03-12

Transformed into a National Application: No

Registration Date: 1994-02-22

Register: Principal

Law Office Assigned: LAW OFFICE 11

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)

Current Location: 40S -Scanning On Demand

Date In Location: 2007-08-30

---

#### LAST APPLICANT(S)/OWNER(S) OF RECORD

---

##### 1. BACH FLOWER REMEDIES

**Address:**

BACH FLOWER REMEDIES  
BROADHEATH HOUSE 83 PARKSIDE  
WIMBLEDON, LONDON SW19 5LP  
United Kingdom

**Legal Entity Type:** PRIVATE LIMITED COMPANY

**State or Country Where Organized:** United Kingdom

---

#### GOODS AND/OR SERVICES

---

**International Class:** 005

**Class Status:** Active

homeopathic pharmaceutical preparations made from flower extracts for use in alleviating emotional and mental stress

**Basis:** 1(a)

**First Use Date:** 1951-00-00

**First Use in Commerce Date:** 1961-00-00

---

#### ADDITIONAL INFORMATION

---

**Prior Registration Number(s):**

1237564

---

#### MADRID PROTOCOL INFORMATION

---

(NOT AVAILABLE)

---

#### PROSECUTION HISTORY

---

**NOTE:** To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2010-08-25 - Counter claim opp. for Proceeding No.

2007-08-30 - Case File In TICRS

2004-04-06 - First renewal 10 year

2004-04-06 - Section 8 (10-year) accepted/ Section 9 granted

2004-02-20 - Combined Section 8 (10-year)/Section 9 filed

2000-05-15 - Section 8 (6-year) accepted & Section 15 acknowledged

2000-02-16 - Section 8 (6-year) and Section 15 Filed

1994-02-22 - Registered - Principal Register

1993-11-30 - Published for opposition

1993-10-29 - Notice of publication

1993-09-21 - Approved for Pub - Principal Register (Initial exam)

1993-08-18 - Communication received from applicant

1993-06-24 - Non-final action mailed

1993-05-27 - Assigned To Examiner

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

Donna J. Bunton

**Correspondent**

Donna J. Bunton

Nixon & Vanderhye P.C.

1100 North Glebe Road, 8th Floor

Arlington, VA 22201-4714

**Domestic Representative**

Nixon & Vanderhye P.C.

---

**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2011-06-08 16:22:26 ET**

**Serial Number:** 75320219 Assignment Information Trademark Document Retrieval

**Registration Number:** 2517685

**Mark (words only):** RESCUE

**Standard Character claim:** No

**Current Status:** A Sections 8 and 15 combined declaration has been accepted and acknowledged.

**Date of Status:** 2007-03-29

**Filing Date:** 1997-07-07

**Transformed into a National Application:** No

**Registration Date:** 2001-12-11

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 110

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov**

**Current Location:** 830 -Post Registration

**Date In Location:** 2007-03-29

---

#### LAST APPLICANT(S)/OWNER(S) OF RECORD

---

1. Bach Flower Remedies Lintied

**Address:**

Bach Flower Remedies Lintied  
Broadheath House 83 Parkside Wimbledon  
London SW19 5LP  
United Kingdom

**Legal Entity Type:** PRIVATE LIMITED COMPANY

**State or Country Where Organized:** United Kingdom

---

#### GOODS AND/OR SERVICES

---



**International Class: 005****Class Status:** Active

homeopathic pharmaceutical preparation made from flower extracts for alleviating emotional and mental stress

**Basis:** 1(a)

**First Use Date:** 2001-01-15

**First Use in Commerce Date:** 2001-01-15

**International Class: 030****Class Status:** Active

herbal food beverage concentrate made from essences (not being in the nature of essential oils) extracted from plants and flowers

**Basis:** 1(a)

**First Use Date:** 2001-01-15

**First Use in Commerce Date:** 2001-01-15

---

**ADDITIONAL INFORMATION**

---

**Prior Registration Number(s):**

1237564

1822260

---

**MADRID PROTOCOL INFORMATION**

---

(NOT AVAILABLE)

---

**PROSECUTION HISTORY**

---

**NOTE:** To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2010-08-25 - Counter claim opp. for Proceeding No.

2007-03-29 - Section 8 (6-year) accepted & Section 15 acknowledged

2007-03-29 - Assigned To Paralegal

2007-03-02 - Section 8 (6-year) and Section 15 Filed

2007-03-02 - PAPER RECEIVED

2007-01-26 - TEAS Change Of Correspondence Received

2007-01-08 - Case File In TICRS

2001-12-11 - Registered - Principal Register

2001-07-25 - Allowed for Registration - Principal Register (SOU accepted)



2001-06-25 - Statement Of Use Processing Complete  
2001-06-12 - Use Amendment Filed  
2001-03-08 - Extension 5 granted  
2001-01-29 - Extension 5 filed  
2000-09-29 - Extension 4 granted  
2000-08-04 - Extension 4 filed  
2000-01-21 - Extension 3 granted  
2000-01-21 - Extension 3 filed  
1999-08-30 - Extension 2 granted  
1999-08-02 - Extension 2 filed  
1999-03-12 - Extension 1 granted  
1999-02-04 - Extension 1 filed  
1998-08-04 - NOA Mailed - SOU Required From Applicant  
1998-05-12 - Published for opposition  
1998-04-10 - Notice of publication  
1998-02-10 - Approved For Pub - Principal Register  
1998-02-05 - Assigned To Examiner

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

DONNA J BUNTON

**Correspondent**

DONNA J. BUNTON

NIXON &amp; VANDERHYE

901 N. GLEBE ROAD

11TH FLOOR

ARLINGTON, VA 22203-1808

Phone Number: 703-816-4003

Fax Number: 703-816-4100

**Domestic Representative**

NIXON & VANDERHYE PC

---

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2011-06-08 16:22:37 ET

**Serial Number:** 78588767 Assignment Information Trademark Document Retrieval

**Registration Number:** 3147761

**Mark**

RESCUE CREAM

**(words only):** RESCUE CREAM

**Standard Character claim:** Yes

**Current Status:** Registered. The registration date is used to determine when post-registration maintenance documents are due.

**Date of Status:** 2006-09-26

**Filing Date:** 2005-03-16

**Transformed into a National Application:** No

**Registration Date:** 2006-09-26

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 103

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

**Current Location:** 650 -Publication And Issue Section

**Date In Location:** 2006-09-26

---

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. Bach Flower Remedies Limited

**Address:**

Bach Flower Remedies Limited  
5 Endeavour Way  
Wimbledon, London SW19 9UH  
United Kingdom

**Legal Entity Type:** PRIVATE LIMITED COMPANY

**State or Country Where Organized:** United Kingdom

---

**GOODS AND/OR SERVICES**

---

**International Class:** 005

**Class Status:** Active

PREPARATIONS MADE FROM FLOWER EXTRACTS IN THE FORM OF CREAMS FOR USE  
IN TREATING EMOTIONAL AND PSYCHOLOGICAL CONDITIONS

**Basis:** 1(a)

**First Use Date:** 1995-08-00

**First Use in Commerce Date:** 1995-08-00

---

**ADDITIONAL INFORMATION**

---

**Disclaimer:** CREAM

**Prior Registration Number(s):**

1237564

1822260

2517685

---

**MADRID PROTOCOL INFORMATION**

---

(NOT AVAILABLE)

---

**PROSECUTION HISTORY**

---

**NOTE:** To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2006-12-28 - Undeliverable Mail - Courtesy Copy Mailed

2006-11-07 - TEAS Change Of Correspondence Received

2006-09-26 - Registered - Principal Register

2006-07-04 - Published for opposition

2006-06-14 - Notice of publication

2006-05-18 - Law Office Publication Review Completed

2006-05-12 - Assigned To LIE  
2006-05-08 - Approved for Pub - Principal Register (Initial exam)  
2006-03-21 - Amendment From Applicant Entered  
2006-02-21 - Communication received from applicant  
2006-02-21 - PAPER RECEIVED  
2005-10-12 - Non-final action e-mailed  
2005-10-12 - Non-Final Action Written  
2005-10-05 - Assigned To Examiner  
2005-03-22 - New Application Entered In Tram

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

Donna J. Bunton

**Correspondent**

Donna J. Bunton  
Nixon & Vanderhye  
11th Floor  
901 N. Glebe Road  
Arlington VA 22203  
Phone Number: 703-816-4003  
Fax Number: 703-816-4100

**Domestic Representative**

Donna J. Bunton  
Phone Number: 703-816-4003  
Fax Number: 703-816-4100

---



Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2011-06-08 16:29:18 ET

Serial Number: 77485289 Assignment Information

Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

# RESCUE

(words only): RESCUE

Standard Character claim: Yes

**Current Status:** Applicant's response to a non-final Office action has been entered. The application is being returned to the examining attorney for further review. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

**Date of Status:** 2011-06-03

**Filing Date:** 2008-05-28

**Transformed into a National Application:** No

**Registration Date:** (DATE NOT AVAILABLE)

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 103

**Attorney Assigned:**  
HAYES GINA CLARK

**Current Location:** L10 -TMEG Law Office 101

**Date In Location:** 2011-06-03

---

## LAST APPLICANT(S)/OWNER(S) OF RECORD

---

1. Bach Flower Remedies Limited

**Address:**

Bach Flower Remedies Limited  
Nelsons House 83 Parkside  
Wimbledon, London  
United Kingdom

**Legal Entity Type:** PRIVATE LIMITED COMPANY

**State or Country Where Organized:** United Kingdom

**Phone Number:** 703-816-4003

**Fax Number:** 703-816-4100

---

**GOODS AND/OR SERVICES**

---

**International Class:** 003

**Class Status:** Active

SKIN CREAMS AND SKIN MOISTURIZERS, SKIN CLEANSERS AND SKIN TONERS; LIP BALMS; COSMETIC PREPARATIONS CONTAINING FLOWER REMEDIES AND PREPARED FROM PLANTS AND FLOWERS

**Basis:** 44(e)

**First Use Date:** (DATE NOT AVAILABLE)

**First Use in Commerce Date:** (DATE NOT AVAILABLE)

**International Class:** 005

**Class Status:** Active

HERBS AND FLOWERS FOR MEDICINAL PURPOSES; MEDICINAL DRINKS CONTAINING FLOWER REMEDIES; MEDICATED CONFECTIONERY; MEDICATED CANDY, MEDICATED GEL CAPSULES AND MEDICATED CHEWING GUM CONTAINING FLOWER REMEDIES; DIETARY SUPPLEMENTS PREPARED FROM PLANTS AND FLOWERS; DIETARY AND NUTRITIONALLY FORTIFIED FOOD PRODUCTS CONTAINING FLOWER REMEDIES FOR TREATING EMOTIONAL SHOCK, TRAUMA AND OTHER EMOTIONAL AILMENTS AND CONDITIONS; HOMEOPATHIC PHARMACEUTICAL PREPARATIONS MADE FROM FLOWER EXTRACTS FOR ALLEVIATING EMOTIONAL AND MENTAL STRESS; NUTRITIONAL DRINKS FOR ANIMALS

**Basis:** 44(e)

**First Use Date:** (DATE NOT AVAILABLE)

**First Use in Commerce Date:** (DATE NOT AVAILABLE)

**International Class:** 029

**Class Status:** Active

PREPARATIONS FROM PLANTS AND FLOWERS AND OTHER NATURAL INGREDIENTS FOR US IN MAKING BEVERAGES, NAMELY, FRUIT OR VEGETABLE DRINKS, TEA, COFFEE, ENERGY DRINKS, LEMONADES, GINGER BEERS, FRUIT OR VEGETABLE JUICES, FRUIT OR VEGETABLE NECTARS, SODA WATERS, MINERAL AND SPRING WATERS

**Basis:** 44(e)

**First Use Date:** (DATE NOT AVAILABLE)

**First Use in Commerce Date:** (DATE NOT AVAILABLE)

**International Class:** 030

**Class Status:** Active

HERBAL BEVERAGES, TISANES AND HERBAL INFUSIONS; HERBAL BEVERAGES AND



TEAS FOR FOOD USE; FLAVOURINGS SYRUP AND FLAVOURING ADDITIVES FOR NON-NUTRITIONAL PURPOSES FOR USE AS A FLAVOURING FOR BEVERAGES; CONFECTIONERY, NAMELY, SWEETS, GUM SWEETS, CANDY GELS, GEL CANDY FILLED WITH LIQUID CENTERS; CANDY AND CHEWING GUM; HERBAL FOOD BEVERAGE CONCENTRATE MADE FROM ESSENCES; NOT BEING IN THE NATURE OF ESSENTIAL OILS EXTRACTED FROM PLANTS AND FLOWERS

**Basis:** 44(e)

**First Use Date:** (DATE NOT AVAILABLE)

**First Use in Commerce Date:** (DATE NOT AVAILABLE)

**International Class:** 032

**Class Status:** Active

MINERAL AND SPRING WATER; ENERGY DRINKS; HERBAL SOFT DRINKS, HERBAL FRUIT DRINKS, HERBAL DRINKING WATER, HERBAL FRUIT AND BEVERAGE JUICES; NON-ALCOHOLIC BEVERAGES, NAMELY, CARBONATED BEVERAGES, BEVERAGES CONTAINING FRUIT OR VEGETABLE JUICES, BEVERAGES WITH TEA OR COFFEE FLAVOUR, ENERGY DRINKS, SODA WATER PREPARED FROM AND INFUSED WITH PLANTS, FLOWERS AND HERBS, PREPARATIONS FOR MAKING NON-ALCOHOLIC BEVERAGES, NAMELY, FRUIT OR VEGETABLE DRINKS, ENERGY DRINKS, TEA, COFFEE, LEMONADE, GINGER BEERS, FRUIT OR VEGETABLE JUICES, FRUIT OR VEGETABLE NECTARS, SODA WATER

**Basis:** 44(e)

**First Use Date:** (DATE NOT AVAILABLE)

**First Use in Commerce Date:** (DATE NOT AVAILABLE)

**International Class:** 033

**Class Status:** Active

ALCOHOLIC DRINKS CONTAINING FLOWER REMEDIES AND PREPARED FROM EXTRACTS OF PLANTS AND FLOWERS, TONIC DRINKS

**Basis:** 44(e)

**First Use Date:** (DATE NOT AVAILABLE)

**First Use in Commerce Date:** (DATE NOT AVAILABLE)

---

#### ADDITIONAL INFORMATION

---

**Prior Registration Number(s):**

1822260

2517685

3147761

**Foreign Application Number:** 2473704

**Foreign Registration Number:** 6473755

**Foreign Registration Date:** 2008-04-12

**Country:** United Kingdom

**Foreign Filing Date:** 2007-11-29

**Foreign Expiration Date:** 2017-11-29

---

#### MADRID PROTOCOL INFORMATION

---

(NOT AVAILABLE)

---

### PROSECUTION HISTORY

---

**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2011-06-03 - Teas/Email Correspondence Entered

2011-06-03 - Communication received from applicant

2011-05-23 - TEAS Response To Suspension Inquiry Received

2011-03-15 - Notification Of Letter Of Suspension E-Mailed

2011-03-15 - LETTER OF SUSPENSION E-MAILED

2011-03-15 - Suspension Letter Written

2011-03-14 - Divisional processing completed

2011-02-17 - Divisional request received

2011-03-09 - Case Assigned To Intent To Use Paralegal

2011-02-17 - TEAS Request To Divide Received

2010-09-22 - Report Completed Suspension Check Case Still Suspended

2010-09-22 - Assigned To LIE

2010-03-17 - Report Completed Suspension Check Case Still Suspended

2009-09-16 - Report Completed Suspension Check Case Still Suspended

2009-03-13 - Notification Of Letter Of Suspension E-Mailed

2009-03-13 - LETTER OF SUSPENSION E-MAILED

2009-03-13 - Suspension Letter Written

2009-03-13 - Amendment From Applicant Entered

2009-03-13 - Communication received from applicant

2009-03-10 - PAPER RECEIVED

2009-03-11 - Assigned To LIE

2008-09-10 - Notification Of Non-Final Action E-Mailed

2008-09-10 - Non-final action e-mailed

2008-09-10 - Non-Final Action Written

2008-09-10 - Assigned To Examiner

2008-06-02 - New Application Entered In Tram

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

Donna J. Bunton

**Correspondent**

DONNA J. BUNTON

NIXON & VANDERHYE P.C.

901 N GLEBE RD FL 11

ARLINGTON, VA 22203-1853

Phone Number: 703-816-4003

Fax Number: 703-816-4100

**Domestic Representative**

Donna J. Bunton

Phone Number: 703-816-4003

Fax Number: 703-816-4100

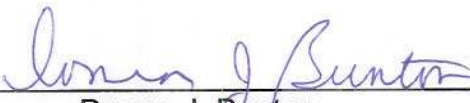
---



**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Notice of Opposition was served on Applicant at the following address of record by depositing same in the United States mail, postage prepaid, this 8<sup>th</sup> day of June, 2011:

James C. Wray, Esq.  
1493 Chain Bridge Road, Suite 300  
McLean, VA 22101-5726

  
\_\_\_\_\_  
Donna J. Bunton